

CHAPTER XXIII
NOISE CONTROL

23.1 FINDINGS AND DECLARATION OF POLICY

A. It is found that:

1. The making, creating and permitting of unnecessary, excessive, unnatural, annoying, prolonged or unusually loud noises within the limits of the City of Kenosha is a condition which has existed for some time and the extent and volume of such noises is increasing; and,

2. Noises or noise levels which, under some circumstance, would be normal and acceptable, may become unnecessary, excessive, unnatural, annoying, prolonged or unusually loud by virtue of their time and place and,

3. Noises which are unnecessary, excessive, unnatural, annoying, prolonged or unusually loud in relationship to their time and place are a public nuisance and are detrimental to the public health, safety, welfare, comfort, repose, peace and prosperity.

B. It is declared:

1. That the policy of the City of Kenosha, Wisconsin, is to prohibit noises which are unnecessary, excessive, unnatural annoying, prolonged or unusually loud in relationship to their time and place.

2. That noises at certain levels and frequencies as herein described, are detrimental to the public health, safety, welfare, comfort, convenience and prosperity, and that such noises must be systematically prescribed.

3. This Ordinance is not intended to supersede the City's Disorderly Conduct Ordinances. Prosecutions may be made under our Disorderly Conduct Ordinances where circumstances do not make it practical to measure the noise in question with a noise measuring device.

23.2 DEFINITIONS

All terminology used in this Ordinance, not defined below, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.

A. "Ambient Noise" is the all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near

and far, but excluding the noise source being measured.

B. "A-Weighted Sound Level" means the sound pressure level in decibels as measured on a sound level meter using A-weighting network. The level so read is designated dB(A) or dBA.

C. "Commercial Area" has the same definition as that term is defined in the Zoning Ordinance, City of Kenosha, Wisconsin.

D. "Commercial Purpose" shall mean and include the use, operation, or maintenance of any sound amplifying equipment for the purpose of advertising any business, or any goods, or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.

E. "Construction" means any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or of public or private right-of-ways, structures, utilities or similar property.

F. "Cycle" is the complete sequence of values of a periodic quantity which occurs during a period.

G. "Daytime" means the hours from 7:00 A.M. to 10:00 P.M.

H. "Decibel (dB)" means a unit for measuring the volume of a sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

I. "Demolition" means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

J. "Emergency" means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

K. "Emergency Work" means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

L. "Environmental Protection Office(r)/Noise Control Office(r) (EPO/NCO)" means any designee(s) of the Administrator of Health.

M

"**Frequency**" of a function periodic in time is the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified as cycles per second unless another unit of time is more convenient in a particular case.

N. "Impulsive Sound" means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

O. "Industrial Area" has the same definition as that term is defined in the Zoning Ordinance, City of Kenosha, Wisconsin.

P. "Microbar" is a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

Q. "Motor Vehicle" has the same definition as that term is defined by Chapter 340 of the Wisconsin Statutes.

R. "Muffler or Sound Dissipative Device" means a device for abating the sound of escaping gases of an internal combustion engine.

S. "Nighttime" means the hours of 10:00 P.M. until 7:00 AM. of the following day.

T. "Noise" shall mean any sound which is unnecessary, excessive, unnatural, annoying, prolonged or unusually loud in relationship to its time, place and use effect.

U. "Noise Disturbance" means any sound which (a) endangers or injures the safety or health of humans or animals, or (b) annoys or disturbs a reasonable person of normal sensitivities, or (c) endangers or injures person or real property.

V. "Noncommercial Purpose" shall mean the use, operation, or maintenance of any sound amplifying equipment for other than a "Commercial Purpose". "Noncommercial Purpose" shall mean and include, but shall not be limited to, philanthropic, political, patriotic, and charitable purpose.

W. "Period" of a periodic quantity is the smallest increment of time for which the function repeats itself.

X. "Periodic Quantity" is oscillating quantity, the values of which recur for equal increments of time.

Y. "Person" means any individual, association,

partnership, or corporation, and includes any officer, employee, department, agency or instrumentality of a State or any political subdivision of a State.

Z. "Powered Model Vehicle" means any self-propelled airborne, waterborne, or landborne plane, vessel or vehicle, which is not designed to carry persons, including, but not limited to, any model airplane, boat, car, or rocket.

AA. "Public Right-of-Way" means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

BB. "Public Space" means any real property or structures thereon which are owned or controlled by a governmental entity.

CC. "Pure Tone" means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of this Ordinance, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two contiguous one-third octave bands by 5 dB for center frequencies of 500 Hz and above and by 8 dB for center frequencies between 160 and 400 Hz and by 15 dB for center frequencies less than or equal to 125 Hz.

DD. "Real Property Boundary" means an imaginary line along the ground surface, and its vertical extension, which separate the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

EE. "Residential Area" has the same definition as that term is defined in the Zoning Ordinance, City of Kenosha, Wisconsin.

FF. "Sound" means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

GG. "Sound Amplifying Equipment" is any machine or device for the amplification of the human voice, music, or any other sound, but shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed, and as used in this Chapter shall not include warning devices on authorized emergency vehicles used only for traffic safety, law enforcement, or authorized emergency

purposes.

HH. "Sound Level" means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

II. "Sound Level Meter" means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

JJ. "Sound Pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound.

KK. "Sound Pressure Level" means 20 times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of 20 micropascals (20×10^{-6} N/m²). The sound pressure level is denoted L_p or SPL and is expressed in decibels.

LL. "Sound Truck" is any vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

MM "Weekday" means any day Monday through Friday which is not a legal holiday.

NN. "Zoning District" is any district established by the Kenosha Zoning Ordinance of the Municipal Code of the City of Kenosha.

23.3 ENFORCEMENT

This Ordinance shall be enforced by the Police and Health Departments, except that the Health Department is not responsible for enforcing provisions of this Ordinance relative to traffic noises. The Health Department shall be primarily responsible for enforcement during regular City Hall working hours and the Police Department shall be primarily responsible for enforcement of this Ordinance during all other hours.

23.4 EXCESSIVE NOISE DECLARED A NUISANCE

"Noise" as defined in this Chapter is hereby declared to be a public nuisance and may be subject to abatement procedures as described herein. Such abatement may be in addition to administrative

proceedings, fines and penalties as provided in this Ordinance. It shall be the duty of the Health Officer upon receiving a "noise" complaint, to determine if a public nuisance exists as defined in this Chapter and to take such action as he deems necessary to insure compliance with this Chapter. Conditions of "noise" which are specifically exempted or for which a Variance Permit has been issued in conformity with provisions of this Chapter shall be exempt from the application of the provisions of this Chapter.

23.5 NOISE PROHIBITED

A. Noise Disturbances Prohibited. No person shall unreasonably make, continue, or cause to be made or continued, any noise or noise disturbance. Noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way shall be exempt from the operation of this Section.

B. Specific Prohibitions. The following acts, and the causing thereof, are declared to be in violation of this Ordinance:

1. Radio, Television Sets, Musical Instruments and Similar Devices. Operating, playing or permitting the operation or playing of any radio, television, phonograph, drum, musical instruments, sound amplifier, or similar device which produces, reproduces or amplifies sound:

a. Between the hours of 10:00 P.M. and 7:00 A.M. the following day in such a manner as to create a noise disturbance across a real property boundary; except for activities open to the public and for which a permit has been issued by the Department of Public Works for the City of Kenosha, Wisconsin, according to criteria set forth in **§23.6**;

b. In such a manner as to create a noise disturbance in any room in any dwelling unit located in any adjacent premises;

c. In such a manner as to create a noise disturbance at 50 feet from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters;

d. In such a manner as to create a noise disturbance to any person other than the operator of the device, when operated by any passenger on a common carrier;

e. This Section shall not apply to noncommercial spoken language covered under **§23.5 B.2.**

2. Loudspeakers/Public Address Systems.

a. Using or operating for any noncommercial purpose any loudspeaker, public address system, or similar device between the hours of 10:00 P.M. and

8:00 A.M. the following day, such that the sound therefrom creates a noise disturbance across a residential real property boundary.

b. Using or operating for any commercial purpose any loudspeaker, public address system, or similar device (1) such that the sound therefrom creates a noise disturbance across a real property boundary; or (2) between the hours of 5:00 P.M. and 8:00 A.M. the following day on a public right-of-way or public space.

3. Powered Model Vehicles. Operating or permitting the operation of powered model vehicles so as to create a noise disturbance across a residential real property boundary, in a public space or within a noise sensitive zone between the hours of 9:00 P.M. and 7:00 A.M. the following day. Maximum sound levels in a public space during the permitted period of operation shall conform to those set forth for residential land use in **Table 1** of Section **23.6** and shall be measured at a distance of 100 feet from any point on the path of the vehicle. Maximum sound levels for residential property, during the permitted period of operation, shall be governed by Section **23.6**.

4. Emergency Signaling Devices.

a. The intentional sounding or permitting the sounding outdoors of any fire, burglar, or civil defense alarm siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in Subsection **b**.

b. (1) Testing of a stationary emergency signaling device shall occur at the same time of day each time such a test is performed, but not before 9:00 A.M. or after 5:00 P.M. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed 60 seconds.

(2) Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device, shall not occur more than once in each calendar month. Such testing shall not occur before 9:00 A.M. or after 5:00 P.M. The time limit specified in Subsection **(1)** shall not apply to such complete system testing.

c. Sounding or permitting the sounding of any exterior burglar [or fire] alarm or any motor vehicle burglar alarm unless such alarm is automatically terminated within fifteen minutes of activation.

23.6 CRITERIA TO DETERMINE "NOISE"

A. Maximum Permissible Sound Levels By Land Use. No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits sets forth in **Table 1**. when

measured at or within the property boundary of the receiving land use.

**TABLE 1.
SOUND LEVELS**

Transmitting Land Use Zoning	Time	Sound Level Limit, dBA
A-1, A-2, C-1, IP, FW, RR-1, RR-2, Rs-4, Rs-2, Rs-3, Rd, Rg-1, Rg-2, Rm-1, Rm-2, & All Other Zoning Not Specifically Listed In This Table. (Residential, Public Space, Open Space, Agricultural or Institutional)	7:00 A.M. - 10:00 P.M.	60
	10:00 PM. - 7:00 A.M.	50
B-1, B-2, B-3, B-4	At All Times	70
M-1, M-2	At All Times	75

B. Correction For Character of Sound. For any source of sound which emits a pure tone or impulsive sound, the maximum sound level limits set forth in **§23.6 A.** shall be reduced by five (5) dBA.

C. Exemptions. The provisions of this Section shall not apply to refuse collection vehicles, aircraft and airport operations, interstate railway locomotives and cars, and emergency signaling devices, the latter of which are regulated in **§23.5 B.4.**, of the Code of General Ordinances.

23.7 METHOD OF MEASURING NOISE

A. Equipment. Noise measurement shall be made with a sound level meter manufactured according to the specifications of the American National Standards Institute, USA Standard Specifications for General Purposes Sound Level Meters (S1.4-1971) and Preferred Center Frequencies for Acoustical Measurements (S1.6-1960) or any subsequent nationally adopted standards superseding the above standards.

B. Location and Interpretation. Noise

measurement shall be made at the nearest lot line of premises from which noise complaint(s) are received and shall be made at a height of at least three feet above the ground and at least three feet away from walls, barriers, obstructions or sound reflective surfaces. Where the nature of the noise permits, the slow response setting shall be used to obtain the noise level on the sound level meter.

23.8 VARIANCE PERMITS

Variance Permits may be issued by the Health Officer to exceed the noise standards set forth in this Ordinance as follows:

A. Temporary Variance Permits.

1. General. A Temporary Variance Permit may be issued upon request provided that the work producing such noise is necessary to promote the public health and/or welfare and reasonable steps are taken to keep such noise at the lowest possible practical level.

2. Special Community Events. A Temporary Variance Permit may be issued for special events, such as circuses, 4th of July celebrations and similar community events, which are limited in duration and are generally acceptable to the people of the community; provided that precautions are taken to maintain the noises produced at the lowest practical level.

3. Procedure to Obtain a Variance Permit. Applications for Temporary Variance Permits must be made in writing to the Health Officer and shall contain all of the following pertinent information:

- a. Dates requested;
- b. Time and place of operation;
- c. Equipment and operation involved;
- d. Necessity for such permit;
- e. Steps to be taken to minimize noise; and,
- f. Name of responsible person(s) who will be present at the operation site while the noise is produced.

B. Variance Permits of Indefinite Duration.

1. It is recognized that it is not technically or economically feasible for certain business operations and equipment to comply with the standards set forth herein as of the date of this Ordinance. The Health Officer shall therefore issue a Variance Permit on existing business operations and equipment which produces excessive noise if it is found that it is not technically or economically feasible to alter such operation to reduce noise to within the prescribed standards set forth in this Ordinance. Applications for

such variances must be made to the Health Officer by an affected party in a letter setting forth the reasons that such variance should be granted. The Health Officer, after review of all circumstances and the degree of nuisance, shall reply in writing giving the variance, denying the variance, or setting forth conditions or limitations under which the variance will be granted.

2. In the event the Health Officer issues an order citing a violation of this Ordinance on an existing business operation and equipment and the party cited applies for a variance within ten (10) days of such citation, then all penalties provided shall be tolled from the date the application is filed until a final order or decision has been issued on the merits of the application.

23.9 EXEMPTIONS

A. Construction Sites, Public Utilities, Public Works. The daytime criteria as set forth in **§23.6** shall not apply to construction sites, public utilities and public works projects and operations during the daytime hours from Monday through Saturday, inclusive; provided, however, that noise production shall be minimized through proper equipment operation and maintenance. Stationary equipment on construction projects lasting more than ten (10) days within residential districts shall be shielded or located so as not to cause unnecessary noise.

B. Emergency Operations. Emergency short-term operations which are necessary to protect the health and welfare of the citizens; such as, emergency utility and street repair, fallen tree removal or emergency fuel oil delivery, shall be exempt from the criteria as set forth in **§23.6**, provided that reasonable steps shall be taken by those in charge of such operations to minimize noise emanating from the same.

C. Noises Required by Law. The provisions of **§23.6** shall not apply to any noise required specifically by law for the protection of safety of people or property.

D. Lawn Mowers, Garden Tools, Etc. Power equipment such as lawn mowers, small lawn and garden tools, riding tractors and snow removal equipment which is necessary for the maintenance of property, is kept in good repair and maintenance and which equipment, when new, would not comply with the standards set forth in this Ordinance, shall be exempted from the provisions of **§23.6**. No person shall operate such equipment, with the exception of snow removal equipment, during the hours of 9:00 P.M. through 8:00 A.M., inclusive.

E. Residential Air Conditioners. Noise emitted by residential air conditioners shall be judged by the criteria set forth in §23.6.

F. Highway Vehicles. Vehicles operating on City streets, alleys and highways shall be subject to noise control as set forth in §23.15 of this Ordinance.

G. Airplanes. Aircraft operations which are controlled specifically by federal law and enforcement shall be exempted from the provisions of this Chapter.

H. Bells, Chimes. Bells, chimes and similar devices which signal the time of day and operate during the daytime hours for a duration of no longer than five (5) minutes in any given one hour period shall be exempt from the daytime noise limitations of §23.6.

23.10 CONTROL OF NIGHTTIME NOISES EMITTED BY RESIDENTIAL AIR CONDITIONERS

A. Excessive Noise Prohibited. No person shall install, operate or use any residential air conditioners which create a noise level in a sleeping room in any dwelling unit located on any adjacent premises in excess of five decibels above the ambient noise level at the location being measured.

B. Measurement. Upon receiving a complaint, the Health or Police Department shall conduct a noise survey through the use of a sound level meter. The sound pressure levels shall be measured in a sleeping room in the complainant's premises with the sound level measuring microphone placed three feet from an open window nearest to the source of the noise and not less than three feet above the floor of the room in which the measurement is made. If the noise level exceeds the level specified in Paragraph A. above, the noise shall be deemed excessive and in violation of this Section.

23.12 SOUND TRUCKS

A. Purpose of Regulation. The Council recognizes that the use of sound amplifying equipment when operated for free speech purposes is protected by the constitutional rights of freedom of speech and assembly, but nevertheless feels obligated to reasonably regulate the use of such equipment in order to protect the correlative constitutional rights of those who wish privacy and freedom from the nuisance of loud and unnecessary noise.

B. Sound Trucks Must Be Registered. No person shall use a sound truck on the street with its sound amplifying equipment in operation without

having first filed an application with the County Health Officer in writing. This application shall be filed in triplicate at least five (5) working days prior to the date on which it is intended to use such equipment and shall state the following:

1. Name and home address of the registrant;
2. Address and place of business of registrant;
3. License number and motor number of the sound truck to be used by registrant;
4. Name, address and telephone number of person who owns the sound truck;
5. Name, address and telephone number of person having direct charge of the sound truck;
6. Names and addresses of all persons who will use or operate the sound truck;
7. The purpose for which the sound truck will be used;
8. A general statement as to the section or sections of the City in which the sound truck will be used;
9. The proposed hours of operation of the sound truck;
10. The number of days or proposed operation of the sound truck;
11. A general description of the sound truck amplifying equipment which is to be used;
12. The maximum sound producing power of the sound amplifying equipment, expressed in decibels at a reference distance of thirty feet; and,
13. Whether the sound amplifying equipment will be used for commercial or noncommercial purposes.

C. Processing Applications.

1. The County Health Officer shall return to the applicant an approved certified copy of the applications unless he/she finds that:

- a. The conditions of the motor vehicle movement are such that the use of equipment would constitute a detriment to traffic safety; or,
- b. The conditions of pedestrian movement are such that use of the equipment would constitute an unreasonable interference with traffic; or,
- c. The application reveals that the applicant would violate the provisions set forth in this Chapter or any other provisions of this Code.

D. Disapproval. In the event the application is disapproved, the County Health Officer shall endorse upon the statement his/her reasons for disapproval and return it forthwith to applicant.

E. Regulations. The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:

1. The only sounds permitted shall be either music or human speech, or both.

2. The operation of sound amplifying equipment shall only occur between the hours of 8:00 A.M. and 10:00 P.M. each day. No operation of sound amplifying equipment for commercial purposes shall be permitted on Sundays or legal holidays.

3. No sound emanating from sound amplifying equipment shall exceed fifteen (15) dBA above the ambient as measured at any property line.

4. Sound amplifying equipment shall not be operated within 300 feet of churches, schools and hospitals.

5. In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to persons of normal sensitiveness within the area of audibility.

F. Appeal. Any person aggrieved by disapproval of an application may appeal to the City Council by filing a written notification thereof with the City Clerk within ten (10) days from the date the said statement is mailed or given to applicant. The City Council shall consider said appeal at its first meeting following the filing of the appeal.

G. Fees. Prior to the approval of the application a fee in the amount of Ten (\$10.00) Dollars per day or any portion thereof shall be paid to the City, if the loudspeaker or sound amplifying equipment is to be used for commercial purposes. No fee shall be required for the operation of a loudspeaker or sound amplifying equipment for noncommercial purposes.

23.13 CONTROL OF TRAFFIC NOISES

A. Rules and Regulations. The Health Officer, in consultation with the Chief of Police, shall promulgate and adopt rules and regulations which set standards for the control of noises created by motor vehicles operating on public highways; provided however, that such standards shall be in conformity with federal and state standards which may be adopted and are applicable and which govern the emission of noise from such vehicles. The rules and regulations adopted by the Health Officer shall have the same effect as law. The Health Officer shall submit a copy of the rules and regulations to the Common Council for approval prior to his/her adoption of the same. He/she shall file a copy of adopted rules and regulations in the office of the City Clerk.

B. Operation of Noisy Vehicles. No person shall operate any vehicle on the alleys, streets and

highways of the City of Kenosha which, as a result of the nature of the vehicle or the manner it is driven, exceeds the noise levels established in the rules and regulations adopted by the Health Officer pursuant to this Section. The operation of equipment installed on governmental or other authorized emergency operation and for the safety of the public is excluded from the provisions of this Section.

C. Modification of Vehicular Equipment. No persons shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a vehicle in such a manner that the noise emitted by the vehicle is increased above that emitted by the vehicle as originally manufactured.

D. Enforcement. It shall be the duty of the Chief of Police or his duly authorized representatives to enforce the provisions of this Section and the rules and regulations adopted by the Health Officer pursuant thereto.

E. Rules and Regulations Pertaining to the Control of Traffic Noises. The following practices and acts are prohibited regardless of decibel measurement.

1. No vehicle shall be operated in such a manner as to produce loud and unnecessary squealing of tires.

2. No vehicle shall sound its horn, bell, or other signaling device except as a danger of cautionary warning. Such warning shall only be sounded for a reasonable and necessary period of time.

3. No person shall race the engine of a vehicle in such a manner as to produce unreasonably loud and unnecessary engine noises.

4. In addition to the above, all sections within this Ordinance will be applied to motor vehicles where applicable.

23.14 SALE, DISTRIBUTION, LEASE OR RENTAL OF NOISY EQUIPMENT

A. Sale, Rental, Etc. of Equipment. No person shall sell offer, distribute, lease or rent any new or used vehicle, device or equipment intended for use within the limits of the City of Kenosha which does not comply with the provisions of this Chapter or with rules and regulations adopted by the Health Officer pursuant to the provisions of this Chapter or with any Federal or State standards which apply to such equipment and are intended to reduce or minimize the noise emission from such equipment or device.

B. Rules and Regulations. The Health Officer is empowered to propose rules and regulations relative to the sale, distribution, rental or lease of new and used vehicles, devices and equipment which emit

noise for the purpose of limiting such noise emission to the lowest practical level. Such rules shall be reasonably consistent with federal and state standards which regulate the noise emission of such equipment and devices. These rules shall have the same force and effect as law and shall be enforced in accordance with the provisions of this Chapter. The Health Officer shall submit a copy of the rules and regulations to the Common Council for approval prior to final adoption of the same. He shall file a copy of the adopted rules and regulations in the office of the City Clerk.

23.15 CITY CONTRACTS AND PURCHASES

A. Compliance of City Contractors and Subcontractors. It is the policy of the City of Kenosha to comply with the noise emission standards, as set forth in this Chapter, in its own operations and the operations of the contractors and subcontractors. All contractors and subcontractors shall be notified of and required to comply with the provisions of this Ordinance.

B. City Purchases. It is the policy of the City of Kenosha to purchase only equipment which complies to the standards established for the same by this Ordinance.

23.16 SCHOOLS, HOSPITALS AND CHURCHES

It shall be unlawful for any person to create any "noise" on any street, sidewalk or public place adjacent to any hospital or to any school, institution of learning or church while the same is in use, provided conspicuous signs are displayed in such streets, sidewalks or public place indicating the presence of a school, church or hospital.

23.17 APPEALS

Any person aggrieved by the denial of an application by the Health Officer for an exemption of variance from the provisions of this Chapter shall have the right to appeal therefrom to the Board of Health, provided a written request therefor is filed with the Secretary of the Board of Health within ten (10) days after receipt of the notice of such denial. The Board of Health, after a hearing on such appeal, may affirm, modify or overrule the denial from which the appeal is made.

23.18 INJUNCTION: ADDITIONAL REMEDY

The operation or maintenance of any device, instrument, vehicle or machinery in violation of any provision of this Chapter, which causes harm, discomfort, or annoyance to reasonable persons of normal sensitiveness or which endangers the public

health, safety, welfare, comfort, repose, peace and prosperity of persons in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction. This is not intended to preclude resort to any other legal remedy.

23.19 PENALTY

The present penalty in Chapter IV, Ordinances, is adopted by reference.

23.20 SEVERABILITY

If any provision, clause, sentence, or paragraph of this Chapter, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this Chapter which can be given effect without the invalid provisions or application and to this end, the provisions of this Chapter are hereby declared to be severable.